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ABSTRACT

A significant feature of the Bilingual Education Act of 1984 is the high level of involvement of the Hispanic and other language-minority communities in its development. In a very real sense, the legislation is an illustration of grass-roots policy development. Although the actual drafting of legislation was done in Washington, DC. (coordinated primarily by the National Council of La Raza and the National Association for Bilingual Education, at Congressional request), hundreds of people from all over the country contributed ideas, reviewed and revised drafts, and otherwise actively participated in policy formation. The final proposal was the result of consensus among very diverse groups of people. This paper provides a history and analysis of this collaboration between Congress, community organizations, and others. (Author/KH)

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Date: November 5, 1984

Title: The Bilingual Education Act of 1984: Community Involvement in Policy Development

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I. INTRODUCTION

The Bilingual Education Act of 1984 has been signed into law, reauthorizing and amending Title VII of the Elementary and Secondary Education Act of 1965. The new legislation is a good law, not perfect, but probably the best that could be passed at this particular time. Although most proponents of educational equity would prefer that every child have the option of participating in a high-quality bilingual education program, the tight fiscal situation and the nation's current budget priorities do not make that possible at present. While the National Council of La Raza strongly supported the legislation as it was originally introduced, a few amendments proved necessary. These amendments were added only after long hours of negotiation and thoughtful consideration. On the whole, they served to strengthen the program, expand its services to more children, and build a broader base of understanding and support for bilingual education.

Perhaps the most significant feature of the Bilingual Education Act of 1984 is the high level of involvement of the Hispanic and other language-minority communities in its development. In a very real sense, the legislation is an illustration of grass-roots policy development. Although the actual drafting of legislation was done in Washington D.C. -- coordinated primarily by the National Council of La Raza and the National Association for Bilingual Education at Congressional request -- hundreds of people from all over the country contributed ideas, reviewed and revised drafts, and otherwise actively participated in policy formulation. The final proposal was the result of consensus among very diverse groups of people. The purpose of this analysis is to provide an account of this process of policy development, and the strength which it brought to the legislation.

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II. BACKGROUND

The development of legislative proposals was based on a strong foundation of policy analysis conducted in 1981, 1982, and 1983 by the National Council of La Raza, the National Association for Bilingual Education, and the Center for Hispanic Educational Leadership. NCLR's Education Policy Analysis Component, together with the Center for Research and Advanced Studies at George Mason University, initiated a policy analysis project early in 1981 to explore policy options for the reauthorization of the federal Bilingual Education Act. At that time, Title VII was due to be reauthorized in 1983. It was anticipated that the reauthorization process would resemble the previous reauthorizations in 1974 and 1978, with hearings held sometime in 1982, and opportunity for public comment, testimony and other input into proposed amendments.

The policy analysis project, staffed by Dr. Josue Gonzalez, NCLR Scholar in Residence and a former director of the federal Office of Bilingual Education and Minority Languages Affairs, and Lori S. Orum, NCLR Senior Education Policy Analyst, was developed on the assumption that Title VII could be strengthened in a variety of ways in response to changing needs, and as a result of research and experience gained since the last program reauthorization. The project assumed that both service providers (i.e., teachers, administrators, trainers, etc.) and service recipients (including students, parents and community members) should participate in discussions of policy options. Further, the project drew on the resources of a coalition of organizations representing various language-minority populations and concerned about education.

Shortly after this project was begun, it became apparent that education programs were being fundamentally altered through the budget process and not only through the traditional reauthorization process. In fact, several attempts were made to use the budget process to alter and repeal Title VII. The Omnibus Budget Reconciliation Act of 1981 repealed the authorizations for several programs, and made dramatic cuts in others -- all outside the routine process of hearings in Appropriations Committees whose members were familiar with the substance of the programs under discussion.

The Omnibus Budget Reconciliation Act of 1981 was written and passed very rapidly, enacting budget cuts without an examination of the effects of those reductions. In the case of bilingual education, few members were familiar with the legislation or fully understood the concept of bilingual education. Many confused the Title VII legislation with civil rights regulations proposed in 1980 by the Carter Administration which were the subject of bitter debate in both houses of Congress. These regulations, popularly known as the Lau Regulations, were issued at the order of the Supreme Court to more fully define the rights of language-minority children to bilingual education and other special language services pursuant to the Civil Rights Act of 1964 and the Equal Educational Opportunity Act of 1975, based on the 1974 Supreme Court decision in Lau vs. Nichols.

The Lau Regulations were actively opposed by many members, and Congress actually voted to deny funds for their implementation for six months to allow further comment. Secretary of Education Terrel Bell withdrew the proposed regulations as one of his first acts of office, denouncing them as overly intrusive. Since the regulations dealt with bilingual education, many members of

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Congress confused them with the federal Bilingual Education Act, mistakenly believing that Title VII mandated bilingual education in the schools. Actually, Title VII simply provided limited and competitive funding for school systems choosing to design bilingual education programs. Additionally, few members of Congress were familiar with the actual workings of bilingual programs, many relying exclusively on the media for their information and believing that English was not an important part of bilingual education. Thus, the Bilingual Education Act was surrounded by both confusion and animosity in 1981 when the major budget cuts were proposed.

In 1981 and 1982, some members of Congress attempted to eliminate the authorization for Title VII, and others proposed eliminating the authorization of specific Title VII activities (such as training). The Reagan Administration initially proposed repealing Title VII as a separate program and including bilingual education as an allowable activity under a block grant to local educational agencies. This proposal was scuttled after objections from the Congressional Hispanic Caucus, and the Secretary of Education's contention that the geographically uneven distribution of limited-English proficient children made a block grant an ineffective mechanism to distribute these funds.

After these proposals were defeated, and a number of statements by members of Congress denouncing the effectiveness and aims of bilingual education were read into the Congressional Record, the final effect was that Title VII funding was reduced from an authorization of $446 million and an appropriation of $157.5 million to an authorization of $139.9 million and an appropriation of $134 million. The length of authorization for Title VII was also reduced to continue the program only one additional year; 1982 Technical Amendments to the Education Consolidation and Improvement Act of 1981 amended the authorization period and extended Title VII through fiscal year 1984.

In 1982, legislation to amend Title VII was introduced by Senator Walter Huddleston (D-KY); a separate bill amending the Bilingual Education Act was proposed by the Reagan Administration. The 97th Congress ended without action on either bill. The Administration's bill was re-introduced in 1983. Neither of these bills was "reauthorization" legislation per se. Both bills were introduced outside of the normal time frame for reauthorization and either proposed no extension in the years of authorization, or included an authorization extension of only one additional year. Both attempted to reduce the number of children eligible to be served by Title VII programs, and the Administration's bill would have repealed requirements that programs funded by the Bilingual Education Act be bilingual and use bilingual teachers.

These legislative and budget initiatives were accompanied by a variety of editorials criticizing bilingual education in the national press and by the unofficial release of a U.S. Department of Education literature review questioning the effectiveness of bilingual education. This climate caused NCLR to expand the original scope of its policy analysis project to include analyses of legislative and budget proposals, media presentations and popular perceptions of bilingual education. Project participation was also broadened to include the perspectives of representatives of State and local educational agencies, teacher and other educational organizations, civil rights advocates, corporate officials, Department of Education and Congressional staff, and opponents of bilingual education.

The project sponsored a series of meetings around the country and prepared a series of issue/option papers to further explore issues most commonly raised. NCLR President Raul Yzaguirre and Josue Gonzalez also participated in a conference of leaders in bilingual and foreign language instruction, convened by the Hazen Foundation to discuss the future of bilingual education and submit recommendations to Secretary Bell.

The end result of the reauthorization policy analysis project was a collection of issue papers analyzing major issues and suggested policy options. The issue papers included both those options which were then being considered in Congress and those advocated by project participants. Inclusion of options did not connote endorsement, merely that the option had either been actively promoted, legislatively or by various groups, or had been proposed by project participants and, after careful analysis, was judged to be educationally and politically feasible.

Issues raised included: the level of specificity needed in the legislation to increase program accountability; the possibility of expanding Title VII to include other related education areas such as foreign languages and English as a Second Language (ESL); the feasibility and possible content of a national language policy; the necessity for and type of targeting provisions in the legislation; standards of minimum competency for bilingual teachers; the possibility of encouraging two-way bilingual education programs (programs involving children whose native language is English as well as limited-English proficient children, in which all participating children learn two languages); the best way of helping limited-English proficient parents help their children in school; the most beneficial mix of Title VII activities, i.e., capacity-building activities, training projects, research, and grants for bilingual programs in the schools; and the role of the cultural heritage aspects of the legislation.

The issues and options were presented at the 1982 meeting of the National Association for Bilingual Education. The session was well attended and the debate was spirited. The consensus, hardly surprising given the fact that the participants were all members of NABE, was that bilingual education has something valuable to offer to all children and should be strengthened. Possibly less predictable was the assertion that the federal bilingual education effort should also be improved, expanded to cooperate with other related fields, and given higher competency standards for personnel. There were also many recommendations that the federal legislation specify program, data collection, and evaluation requirements in greater detail in order to promote greater program accountability. Despite the feeling that the legislation should be improved, most participants were also hesitant to amend the Title VII legislation, feeling that the climate created by Congressional and Administration proposals made any change dangerous. There was concern that admitting the need for change and advocating amendments would only strengthen the efforts to kill the program.

During 1981, NABE's Socio-Political Concerns Committee conducted its own survey, polling NABE members around the country concerning possible changes in Title VII. The Committee's conclusion, reported at another session of the organization's 1982 Annual Conference, was that the existing structure of Title VII was adequate to deal with any changing needs or political challenges and that the legislation should be left intact. It recommended that efforts be directed

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at better explaining Title VII to the Congress and the public, countering attempts to legislatively weaken bilingual education, and ensuring that Title VII be reauthorized in its existing form. These recommendations also reflected the concern that proposing amendments at that time might easily play into the hands of those who wished to end or weaken the program.

In 1982 and much of 1983, while reacting to proposed amendments and editorials advocating the abolition of bilingual education, advocates of bilingual education devoted substantial efforts to bringing the debate on bilingual education back to the facts. NCLR prepared a briefing paper for Congressional staff and the public entitled, "Beyond the Myths: Title VII and Bilingual Education in the United States," and published and disseminated a document offering short answers to common questions about bilingual education. Upon request, NCLR and other interested organizations -- most commonly NABE, the Mexican American Legal Defense and Education Fund (MALDEF), and the League of United Latin American Citizens (LULAC) -- also analyzed proposed amendments to Title VII, submitted testimony, and provided ongoing reports to the National Advisory Committee on Bilingual Education. NABE, which had previously been only sporadically represented in Washington, D.C., re-allocated its resources and hired a legislative counsel, James J. Lyons, to monitor legislative proposals and provide the Association's perspective in federal policy discussions of bilingual education.

Although events dictated a somewhat reactive posture during this period, policy analysis efforts continued. The Denver-based Center for Hispanic Educational Leadership, an NCLR affiliate with long experience in bilingual education, began a project to gather information on policy options and draft proposed legislation for a bilingual education bill with a variety of experimental options. NCLR collaborated in this effort and also published policy analyses suggesting a blueprint for evaluating the effectiveness of Title VII programs and offering a set of key features for any reauthorization bill. In the spring of 1983, NCLR President Raul Yzaguirre addressed a major session at NABE's Annual Conference, outlining these essential features of any legislation reauthorizing Title VII:

- An emphasis on parent and community involvement;
- Provisions to increase the number of highly qualified bilingual instructional and other school personnel;
- Provisions to ensure that understandable instruction in subject matter areas continues to be made available to children; and
- A focus on the concept that full language learning includes literacy and not just oral proficiency.

Echoing the conference's theme, "Bilingual Education: In the National Interest," Yzaguirre urged conference participants to improve bilingual education by paying close attention to those opposed to bilingual education, finding out exactly what they are opposed to, redoubling efforts to educate them, and demonstrating how bilingual education is in the country's best interest. He also urged that bilingual education advocates carry their informational efforts to other education organizations, and encourage them to join or become active in those organizations, working with their membership from within. Most of those concerned with bilingual education pursued this approach in 1983, examining arguments against bilingual education for areas of agreement and misinformation, and increasing their educational and coalition-building efforts.

III. DEVELOPING LEGISLATION

In the fall of 1983 Representative Dale Kildee (D-MI) and Resident Commissioner Baltasar Corrada (New Progressive-PR), members of the House Subcommittee on Elementary, Secondary and Vocational Education and long-time supporters of bilingual education, advised the National Council of La Raza and NABE of their intention to introduce legislation reauthorizing Title VII, and asked the two organizations to develop draft legislation. The legislation was to be pedagogically sound, based on community and national needs, and reflective of legitimate concerns for program improvement.

Although NCLR and NABE coordinated the development of the proposed legislation, more than 25 national education, civil rights and language-minority organizations played an active role in gathering ideas and comments from their membership. Based on previous policy analysis efforts, NCLR and NABE prepared the first draft of the proposed legislation and began the process of distributing drafts for review and revision. Both broad concepts and specific legislative wording were shared with a network which rapidly grew to include several thousand individuals throughout the country. In addition to the heavy involvement of NCLR, NCLR affiliates and other Hispanic organizations, successful efforts were made to secure the involvement of American Indians, Asian Americans, and Pacific Islanders, Arab Americans and other language-minority groups. Many NCLR board members, affiliates and members of NCLR's Education Network critiqued a series of drafts -- adding, deleting, developing and advising.

There was tremendous utility -- if not speed -- in the participation of so many diverse groups. Some concepts, which had seemed a good idea from a Washington perspective, were eliminated when practitioners and local community members questioned their efficacy. Some approaches which were sensible in certain communities did not adapt well to others. Community members and organizations provided an important perspective on the needs of parents and out-of-school family members and the key role which community-based organizations can play in education. Teachers highlighted the need for re-training and inservice education; administrators offered valuable advice about program organization, management and procedures. Researchers highlighted areas in which additional study was sorely needed, and business people spoke of the need for a workforce both literate and bilingual. Congressional staff provided analyses of the political feasibility of various options. The common call from all participants was for a program with increased accountability, better trained teachers, more attention to full English language proficiency, literacy and subject mastery, and increased community involvement.

After several months, multiple drafts and revisions, and the concerted efforts of many people, the legislation was completed. It was not a "perfect bill," but did represent the consensus of a broad cross-section of involved individuals and organizations, and an effort to respond to legitimate criticisms of the previous program. The bill met with the approval of Congressmembers Kildee and Corrada, who announced their intention to introduce the proposal as legislation. They set out the general themes of the proposed bill in a letter to their colleagues inviting co-sponsors. Within a few days, 57 members of Congress

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responded affirmatively, including the entire Congressional Hispanic Caucus, and the bill was introduced on March 22, 1984, as H.R. 5231 -- The Academic Equity and Excellence through Bilingual Education Act.

H.R. 5231 proposed a variety of educational programs to be funded under the Bilingual Education Act. The largest program would continue to be Transitional Bilingual Education, but the program definition was amended to mandate that programs contain a structured English language component and that they be designed so that children could meet grade promotion and graduation requirements. The legislation also authorized funding for programs of Developmental Bilingual Education -- integrated programs in which all students developed language skills in English and a second language. Funding was provided for exemplary bilingual education programs and a new program of Family English Literacy. All programs had more detailed application and evaluation requirements than those in the current legislation. Teacher training programs were increased, with special emphasis given to training programs in areas such as bilingual special education and bilingual counselors, where schools were faced with critical shortages. A teacher re-training program was also added to help teachers who were not currently fully prepared to improve their ability to work with language-minority children. The bill also proposed to return the program's authorization level to close to the level prior to the 1981 budget cuts -- recommending a level of $400 million.

IV. THE LEGISLATIVE PROCESS

Hearings on H.R. 5231 were held on March 27, 1984, in the House Subcommittee on Elementary, Secondary and Vocational Education. Witnesses from the National Association for Bilingual Education, the National Association for Vietnamese American Education, the California State Department of Education, the National School Boards Association, and the Michigan State Board of Education testified on behalf of the legislation. One witness, former Senator S.I. Hayakawa, honorary chairman of U.S. English -- a group advocating the repeal of the bilingual provisions of the Voting Rights Act, and a constitutional amendment to establish English as the official language of the country -- testified in opposition to the bill.

The Congressional Hispanic Caucus scheduled speeches by Caucus and non-Caucus members on the House floor on April 3, 1984, to educate their colleagues on the needs of limited-English proficient children, the workings of bilingual programs, and the features of the Kildee-Corrada bill. Sixteen members of the House spoke or inserted material into the April 3 Congressional Record.

During the Subcommittee hearings on H.R. 5231, Congressman Steve Bartlett (R-TX) had advised co-sponsors Kildee and Corrada of his support for bilingual education but concerns about the need for greater program flexibility in the legislation. He offered his assistance and that of Congressman John McCain (R-AZ) to work with members Kildee and Corrada to fashion amendments to expand the flexibility in the bill. Both Representatives Bartlett and McCain represent Congressional districts with significant numbers of limited-English proficient populations. Arnoldo Torres and Julio Barreto of LULAC had provided both members with detailed information on bilingual education and had facilitated conversations between the Congressmen and their language-minority constituents. After the hearings, several meetings took place between Congressmembers Kildee, Corrada, Bartlett and McCain to work on a

bipartisan compromise which would both allow for other program options and retain an adequate level of support for bilingual programs. Despite long hours of negotiation, and what all agreed had been a good-faith effort, they were unable to reach agreement on amendments before the Subcommittee mark-up on H.R. 11.

On April 24, the Subcommittee met to "mark-up" H.R. 11, legislation introduced by Chairman Carl Perkins (D-KY) to provide simple extensions for a variety of federal education programs, including bilingual education. During the process of discussing and amending various provisions of the bill, the Subcommittee agreed to substitute H.R. 5231 for the provisions in H.R. 11 which would have reauthorized the current Bilingual Education Act. Discussion and votes at this mark-up were divided along party lines. The only members absent and not voting by proxy were Gary Ackerman (D-NY), Ike Andrews (D-NC), and Mario Biaggi (D-NY).

Republican members of the Subcommittee voiced their opposition to the legislation's continued emphasis on bilingual education programs and lack of funding opportunities for monolingual approaches such as English as a Second Language and structured immersion programs. Some members pointed out that there are schools which are composed of such a diversity of language groups or have such a shortage of bilingual teachers that bilingual programs are not possible. Some charged that the legislation mandated curriculum and was overly intrusive. Other Republican members sharply attacked the efficacy of bilingual education programs, advocating instead the use of English immersion programs. Congressmen Kildee and Corrada and other Democratic members acknowledged concerns about the administrative impracticability of bilingual programs in some districts, but pointed out that the Act was currently underfunded and could not meet the existing need for bilingual education. They urged that funds for the establishment of other types of programs be newly appropriated monies, not funds taken away from bilingual education. They also pointed out that there are very few structured immersion programs, and little research exists to demonstrate their effectiveness, and cautioned against federal support for programs which may disguised versions of "sink or swim" schooling.

Ultimately the Subcommittee rejected an amendment introduced by Representative Bill Goodling (R-PA) which incorporated most of the features of the Reagan Administration's previous bilingual education amendments, and an amendment proposed by Representative Steve Bartlett (R-TX) which would have earmarked 15% of the funds in H.R. 5231 for "special alternative instructional programs." These programs would not have been required to use the child's native language for any instructional purposes. At the request of Chairman Perkins, Representatives Kildee, Corrada, Bartlett and McCain agreed to continue discussions on bipartisan amendments to the legislation.

After much detailed discussion between the members of Congress and their staff members, and technical assistance provided by NCLR, NABE, MALDEF and LULAC, the members arrived at a mutually acceptable compromise. On May 2, when the House Education and Labor Committee met to examine the Subcommittee's version of H.R. 11, they introduced a series of bipartisan amendments to the bilingual education provisions of the bill. The amendments were adopted by an unrecorded voice vote.

The amendments expanded the bilingual education provisions of H.R. 11 to include some funding for the Special Alternative Instructional Programs previously proposed by Congressman Bartlett. Under the agreement, 4% of the funds then available for Title VII (approximately $140 million) would be set aside for

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alternative programs. The alternative programs would be required to use "specially designed curricula and [be] appropriate for the particular linguistic and instructional needs of the children enrolled....[and provide] structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards."

The amendments also specified that 50% of newly appropriated monies (over $140 million) would be used for the Special Alternative Instruction Programs, subject to a limitation of 10% of the bill's total funding. Additionally, the amendments would allow the Secretary of Education to give preference to those alternative programs in areas where the implementation of bilingual education is administratively impractical, due to small numbers of students from any given language or the unavailability of qualified bilingual teachers.

After Committee approval, the legislation proceeded to the House floor. On July 25, the House took up the bilingual education provisions of H.R. 11. After the adoption of perfecting amendments proposed by Congressman Goodling, designed to increase parental choice in program placement and allow the funding of exemplary Special Alternative Instructional Programs, the title of the bill dealing with bilingual education was passed by voice vote. On July 26, the House approved the entire bill, placed authorization caps on the included programs, and added an amendment authorizing silent prayer in the public schools. The House then attached H.R. 11 to the Senate's Adult Education Bill, S. 2496, and sent the measure to the Senate for approval. Despite the interest of several Senators, time constraints in the Senate had prohibited the introduction of companion bilingual education legislation in the Senate.

The Senate, divided on the issue of school prayer and several programs included in the omnibus bill, balked at approving this new version of S. 2496. Discussions lagged over the summer, and came to a temporary standstill after the unexpected death of House Committee Chairman Perkins in August. Conferees were appointed in the fall so that the House and Senate could negotiate a final version of the bill in Conference Committee. After approving an amendment limiting the authority of the Secretary of Education to further define the programs defined in the Act by regulation, and reducing the authorization period from five to four years, the Conference Committee approved the bilingual education provisions of the bill. Discussions and compromises on other sections of the legislation were more extensive. The school prayer amendment was dropped at the insistence of the Senate and some programs were modified, but accord was eventually reached, and all members of the Conference Committee signed the report, recommending passage of the legislation.

On October 3, the Senate approved the Conference Report on S. 2496; the House followed suit on October 4. The bill was sent to President Reagan for signature and was signed into law as P.L. 98-511 on October 19, 1984. President Reagan issued a statement announcing the signing of the legislation and noted his support for the bipartisan Bilingual Education Act. Specifically, he stated:

> I am especially pleased that the amendments to the Bilingual Education Act allow some flexibility for local school districts to use Federal funds for the many proven alternatives to the traditional methods in bilingual education that they believe are better suited to helping their limited English speaking

students learn English. In the future I hope to work with the Congress to further expand this much needed flexibility.

He also noted his opposition to provisions in the bill regarding Indian Education and Impact Aid "b" payments, and stated that had he been able to veto specific items in the legislation, he would have eliminated these portions of the bill.

V. CONCLUSIONS

At this writing, Congress, the Department of Education, and interested groups are exploring the regulations which will need to be written to administer the new statute, and discussing the possibility of a supplemental appropriation to fully fund the new bill. Although the Department of Education can legally take up to 240 days to write and issue new regulations, Congressional sponsors of the legislation are making a concerted effort to secure the cooperation of all necessary parties, to avoid disrupting the normal funding cycle for grants under the Bilingual Education Act. Failure to adhere to this funding cycle could mean the absence of federally funded bilingual education programs in the schools for one year. Once the issues of funding and regulations are resolved, the new bill will be in place.

Since there were no recorded votes on the legislation beyond the House Committee on Education and Labor, excerpts from the Congressional Record of the comments of Members of Congress during action on this bill are attached, to provide a record of Congressional viewpoints and perspectives. A summary of the Bilingual Education Act of 1984 is also attached.

While Senator Edward Kennedy (D-MA), in his remarks upon Senate passage of the legislation, specifically commended NCLR and NABE for efforts to "solicit views from across the Nation as to the needs of this program and communicate those views to the Congress," the Bilingual Education Act of 1984 really owes its development and enactment to the efforts and participation of the Hispanic community. The legislation offers the promise of improved educational opportunities for Hispanic and other limited-English proficient children. If everyone puts the same effort into implementation as was devoted to policy development, the bill is bound to be a success.

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QUOTES FROM CONGRESS

Since there were no recorded votes on the Bilingual Education Act beyond the Committee level in the House of Representatives and none at all in the Senate, the following excerpts from the Congressional Record are offered to present the positions and perspectives on the legislation expressed by Members of Congress. Comments from the House of Representatives are from the Congressional Record of July 25 and 26 -- when the House passed the bilingual education provisions of H.R. 11 and attached the entire bill to S. 2496, and October 4 -- when the House passed the Conference Report on S. 2496. Senate statements are from the October 3 Congressional Record, when Senate Conferees submitted their report on S. 2496. The National Council of La Raza and the National Association for Bilingual Education received special and much appreciated recognition in Senator Kennedy's remarks for their efforts to incorporate a wide variety of community-based views into the legislation, and for providing technical assistance to the Senate in the reauthorization process.

House of Representatives

July 25, 1984 -- Comments Accompanying the House Vote on the Bilingual Education Provisions of H.R. 11

Dale Kildee (D-MI): "Limited-English-proficient students are a federal constituency in the same way as handicapped children, disadvantaged children, and other special needs groups of children....The bilingual provisions of H.R. 11 provide instructional flexibility while improving the program to ensure these children receive the necessary services which will allow them to fully benefit from the education they receive."

Baltasar Corrada (D-PR): "Although local school districts and States are making an effort, schools in general are not meeting the need of LEP children. The Nation continues to pay the price for its past educational neglect of language-minority students. Without a specific bilingual education program to address their needs, countless language-minority students would drop out of school. Bilingual Education is an effective method for developing the English language skills language-minority students need for academic success."

Steve Bartlett (R-TX): "I support the bill's present format for bilingual education and the intent of bilingual education....The compromise is better than the status quo: it is a substantial improvement over the current Federal bilingual education law...."

William Goodling (R-PA): "I am a strong supporter of bilingual education, for instance. But in bilingual education we do something that we do not do in any other piece of legislation. We mandate a method of instruction. I am not questioning how good or how bad that method of instruction may be. I am merely saying that it is certainly a questionable practice that we on the Federal level mandate a method."

Robert Garcia (D-NY): "This compromise represents a sensible and cautious approach to exploring the effectiveness of alternative methodologies, and provides flexibility to school districts serving large numbers of language minority

students....bilingual education is an instructional tool that has developed over the past decades to help students whose first language is not English overcome their linguistic and academic difficulties and perform as well as their English-speaking peers in school."

Ronald Coleman (D-TX): "The new version of the Bilingual Education Act represents a fair compromise from those on both sides of the issues. Most importantly it insures the continuance of a vital and necessary component on our educational agenda. The Bilingual Education Program embodied in H.R. 11 is an attempt to provide our best in instruction and maximize the best in education for our children."

Solomon Ortiz (D-TX): "This bill does not call for special treatment for people with limited English skills. It simply provides them with the opportunity to compete on an equal basis with other members of our society. Mr. Chairman, H.R. 11 is essential if we are to continue providing an opportunity for children of limited English proficiency and equal chance for succeeding in, and contributing to, this great nation."

Charles Hayes (D-IL): "With the ever increasing number of limited English proficient children entering our school systems, a strong bilingual education program is essential to bringing them fully into the American mainstream."

John Erlenborn (R-IL): "In title II of H.R. 11, the committee rewrote the entire Bilingual Education Act and missed a golden opportunity to truly reform this program. The changes in H.R. 11 reflect the continuing emphasis on transitional bilingual education as the method of instruction endorsed by the Federal Government. It is unfortunate that the Education and Labor Committee does not put enough trust in the process of local decisionmaking to allow local needs, priorities, and concerns to dictate how students of limited English language proficiency can best learn to read and write English."

Marge Roukema (R-NJ): "Listen to the following story which represents something that is happening all over America: Xavier Manclas has just finished first grade in McAllen, TX. Two short years ago, when beginning kindergarten, Xavier could only speak Spanish. Since that time, he has been one of several students involved in a pilot project that teaches students English by immediately immersing them in the language from the start -- teaching all subjects to them in English. By the end of kindergarten, Xavier and his classmates were speaking entire sentences in English and were ready to start reading in English....At a time when we are struggling with [a] serious immigration question, this is indeed good news to hear that this program seems to be working. Here's the bad news: The McAllen School District is prohibited from using Federal bilingual education funds for this project...."

Barbara Vucanovich (R-NV): "There are two main reasons why title VII of this bill deserves our full support. First, it provides State and local boards of education a considerable degree of flexibility in determining what type of bilingual program best serves their local needs. And second, it allows continued support for the traditional transition method. I know this method is preferred by many of my constituents from the Hispanic community. In either case, the final decision is left up to local boards of education."

Bill Richardson (D-NM): "Bilingual education ensures that a child receives uninterrupted instruction while learning English as a second language. It increases the feeling of acceptance and self esteem which, in turn, leads to an

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Improved self-concept and more successful performance. Most importantly, bilingual education programs increase the capacity for learning as the transition to a new langugae is made. Les ruego a mis colegas que se junten conmigo para asegurar todas las oportunidades educacionales a cada nino americano."

Robert Matsui (D-CA): "A student's right to intelligible instruction is a fundamental right that is protected by Federal law. As the number of students of limited English proficiency increases daily, it becomes evident that we are losing the full depth of our Nation's potential by failing to utilize their talents and capabilities. It is through such programs as...the Bilingual Education Act that we can prevent academic retardation and negative self-concepts and can effectively enhance the student's whole future capability for learning. Our investment in these programs today can only reap benefits for our Nation tomorrow."

Joseph Gaydos (D-PA): "There are those who argue against bilingual education programs, suggesting that earlier immigrants didn't receive this special training and adjusted quite well. To these critics, I say that those were different times: Life was simpler, work was simpler; it was easier to find a niche in society even if you didn't have a complete command of the English language or American customs. Today, as we all know, life is much more complex. We are a mobile society. The new technology requires minds that can adapt."

Edward Roybal (D-CA): "Title II of H.R. 11, which provides for revisions of the Bilingual Education Act, represents a well-crafted bipartisan compromise. This compromise, while retaining the effective aspects of the current law, provides for greater program flexibility in assisting students with limited English proficiency to acquire English language skills and academic achievement."

Lawrence Smith (D-FL): "Bilingual education -- an education by which the student becomes proficient in the English language -- is necessary to our Nation's future. Children with limited English proficiency have been found to be one of the most undereducated groups of all American children. It is to our advantage to assist these children as early as possible in their education. It is an investment in our Nation's future."

Paul Simon (D-IL): "The bilingual education provisions should be supported by all Members because they are important to education, to international understanding and world peace, and to our national security. At a time when the national need dictates that we should be increasing the exposure of our citizens to other languages and cultures, that exposure is declining. Cultural isolation is a luxury America can no longer afford. We are the fourth largest Spanish-speaking country in the world. Yet, nothing is being done to preserve the language skills we have or to use this rich linguistic resource to train people in the use of a language other than English."

Norman Shumway (R-CA): "...with so little evidence available to support bilingual edcucation's effectiveness in promoting English language learning among limited English-proficient students, it makes little sense, in my view, to continue expending millions of Federal dollars each year on this one approach. With the need for restraint and frugality in all areas within the Federal budget, it hardly strikes me as prudent policy to devote scarce Federal dollars....to an instructional approach which has not been proven to be the most effective method in encouraging English proficiency among limited-English proficient students."

July 26, 1984 -- Comments Accompanying Final Consideration of H.R. 11

Walter Fauntroy (D-DC): "...I would also like to express particular support for the bilingual education program...Mr. Chairman, I believe my colleagues in the Congressional Hispanic Caucus said it best in the letter to the Members:

> Bilingual education is integral to the national priority to provide equal access to education for all..."

Mario Biaggi (D-NY): "While I am pleased that we have provided for increased flexibility in this program, I believe, quite frankly, this flexibility does not go far enough. I remain deeply concerned over continued rigidity in instructional methods when there have been clear alternatives to traditional instructional methods that have proven to be equally as effective. I believe that we are denying a number of worthwhile programs adequate funding by limiting the amount of alternatives under this bill and I intend to monitor the implementation of these programs in anticipation of expanding flexibility further during the next reauthorization of this program."

James Scheuer (D-NY): "While there is clearly a need for continued Federal assistance to help these children succeed in mastering the English language, it is also clear that improvements in bilingual education are essential if these programs are to reflect the latest and most innovative techniques available. I firmly believe that this legislation represents a sensible and realistic effort to expand and improve the effectiveness of bilingual education programs."

Jerry Patterson (D-CA): "Since passage of the 1968 Bilingual Education Act, we have seen that when students are offered an academic curriculum in their native language, they can succeed. In fact, academic achievement in their native language has proven to enhance their ability to speak, read and understand English. Students in a bilingual setting quickly excel in concept development and reading comprehension. Before long, children who once possessed a low self-image become proud achievers."

October 4, 1984 -- Statements Accompanying the House Vote on the Conference Report on 2.2496

James Jeffords (R-VT): "With the large number of people entering this country for whom English is not the first language, new demands are also being placed on bilingual education. Several of the Republican members of the Education and Labor Committee worked very hard to allow flexibility in instructional methods. Again, the philosophy of maintaining those methods which are effective, while exploring new approaches to an educational problem, is embodied in this title of the bill."

Steve Bartlett (R-TX): "I would remind this House that for the first time in this bilingual section we will have funded and authorized forms of alternative instruction and curriculum by the Federal government which are currently being used by many State and local governments including English as a secondary language and structured immersion, as long as that structured immersion has as its purpose the acquisition of English and the acquisition of academics."

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Mario Biaggi (D-NY): "I am especially pleased that this bill extends, for 4 years, the bilingual education programs which are critical to assuring educational opportunity to students of limited English proficiency....I am pleased that this bill provides for greater flexibility for bilingual education programs so that we may be able to adapt programs according to local needs....I intend to monitor these new programs very closely with an eye toward evaluating the types of programs used so that we can assure that we are supporting those types of programs which provide proficiency in English to students in the most timely, and effective manner possible.

John McCain (R-AZ): "Make no mistake about it, the purpose of this title is to teach students English. In many cases transitional bilingual education works and works well. However, with this compromise it will allow for flexibility on the local level. Unfortunately, some groups have raised the unfounded concern that bilingual education will institute and perpetuate a two-language system. Nothing could be further from the truth. We must teach all students English without destroying their ethnic heritage and we must make sure that limited English proficient students are not left behind their English speaking peers."

SENATE

October 3, 1984 -- Statements Accompanying the Senate Vote on the Conference Report on S. 2496

Robert Stafford (R-VT): "The bilingual education program has been greatly improved by the House amendments, and the Senate conferees were impressed by the presentation of the House Members on this subject. In particular, this Senator is pleased to see for the first time funding included in the reauthorization for alternative approaches to bilingual education. Im my home State of Vermont, these alternative programs have been used with great benefit for children coming from widely varied ethnic backgrounds."

Dan Quayle (R-IN): "One such change to the Bilingual Education Program, of which I am especially supportive, is a requirement to fund a certain number of innovative approaches to teaching bilingual education. While traditional bilingual education may work for some schools and students, there is ample evidence that many students learn English more quickly through alternative methods than through the transitional or developmental approaches. I would encourage schools to continue seeking and using new methods to help non-English-speaking children become fluent in English as quickly as possible."

Steve Symms (R-ID): "....during the process of approving funding for this program [impact aid] in the House, our colleagues in the other body, attached the Bilingual Education Program -- a program that provides funding to instruct adults in the English language. Nevertheless, much of this instruction in the past has proved to be a lobby training program. These adults have been instructed to lobby for more bilingual education funding which in practice has allowed the funds to be used for political rather than academic training....I am not here to oppose S. 2496. It has many important provisions, like Impact Aid, which need to be approved. I do not, however, support the Bilingual Education Act which uses taxpayers' money to indirectly support lobbying tactics. During the 99th Congress, I will work with the appropriate committees to bring accountability to the Adult Bilingual Education Program."

Edward Kennedy (D-MA): "The reauthorization of the Federal Bilingual Education Program represents a significant improvement of current law. This reauthorization is the result of a major effort among the educators and the bilingual education community to improve and enhance this program to serve the needs of limited English proficient children....This legislation was a serious effort to accommodate the view of the critics who alleged that the bilingual program was "inflexible." To accommodate these views, this legislation provides up to 10 percent of the total authorization for special alternative instructional programs, which may include English as a second language or structured immersion programs. The result of this accommodation was bipartisan support for this program. I hope this bipartisan support will continue in the future."

Christopher Dodd (D-CT): "Of additional significance in the reauthorization of title VII of ESEA is the unambiguous intent of the Federal Government to ensure equal access to an adequate education for all students of limited English proficiency....In recent years, opponents of bilingual education have argued that instructional methods involving the child's native language is counterproductive. This debate, unfortunately, stems more from politics than from a real concern for the best interest of limited English proficient (LEP) children. Without programs like the Federal Bilingual Education Program such children are being denied a basic right to an adequate education. I have studied the evidence closely, Mr. President, and I see no reason to challenge what the Supreme Court concluded 10 years ago in Lau versus Nichols,

> Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the education program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful."

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